

REMARKS/ARGUMENTS

The Office Action mailed December 21, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

In the specification, the first paragraph has been amended to correct priority information.

No new matter has been added.

Claim 11 has been amended to correct minor errors. The text of claims 12 and 13 is unchanged, but they depend from the amended claim.

Claims 1-7 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

Record of Interview

On December 14, 2004, an interview was conducted by telephone between Examiner Christopher Revak and Marc Hanish, Reg. No. 42,626. Applicants thank the Examiner for granting this interview. The details of the interview are set forth in the Interview Summary document made of record.

Judicially-created Double Patenting

Claims 8-22 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 10-12 and 14-28 of prior United States Patent No. 6,311,275. With this response a Terminal Disclaimer in compliance with 37 CFR §1.321(c) is presented to obviate this rejection. Accordingly, this rejection is now moot.

Claims 8-22 were also rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of prior United States Patent No. 6,643,782. With this response a Terminal Disclaimer in compliance with 37 CFR §1.321(c) is presented to obviate this rejection. Accordingly, this rejection is now moot.

Claim Objections

Claim 11 was objected to based on informalities. Claim 11 has been amended to overcome this objection and Applicant respectfully maintains claim 11 is now in condition for allowance.

The 35 U.S.C. § 102 Rejection

Claims 14-16 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by He¹. This rejection is respectfully traversed.

¹ U.S. Patent 5,944,824

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

He fails to teach or suggest a Service Selection Gateway as claimed in claim 14. More specifically, He teaches a NAS and potentially a AAA server, but all of the steps described by He are performed by either the NAS or the AAA server. As such, He fails to teach a single device that performs the step "route the log-on request to an Authentication, Authorization, and Accounting (AAA) Server" and "route the access-reply to a Network Access Server (NAS)".

As Applicant reads He, specifically the diagram in FIG. 1 and the accompanying text, the Security Server (SS) 15 would correlate with the functions performed by a AAA server. Namely, the SS performs authentication, authorization, and accounting (see FIG. 2). The Secure Terminal Server (STS) 24 would correlate with the functions performed by a NAS, namely, provide a gate to one or more networks (NEs). There is no device in He that would correlate with a Service Selection Gateway.

Since all of the functions described in He would be performed by the NAS or the AAA server, it simply cannot be that He teaches a device which both routes the log-on request to an Authentication, Authorization, and Accounting (AAA) Server and routes the access-reply to a

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Network Access Server (NAS). It is a logical necessity that any device performing both such steps would have to be located outside of an AAA server and outside a NAS.

As to dependent claims 15-16, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

For these reasons, Applicant respectfully submits that claim 14 is in condition for allowance.

The 35 U.S.C. § 103 Rejection

Claims 17 and 19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over He, among which claim 17 is an independent claim. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

As to independent claim 17, for the same reason as described above, He does not teach a single device that performs both the steps: "receive an access-reply from an Authentication, Authorization and Accounting (AAA) server" and "forward the access-reply to a Network Access

³ M.P.E.P. § 2143.

Server (NAS)". As such, Applicant respectfully submits that claim 17 is in condition for allowance.

As to dependent claims 18-22, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or
credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 3/21/05



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